

In re application of : Almut KRIEBEL

Serial No. **09/832,873** : 09/832,873 Group Art Unit: 1731

Filed : April 12, 2001 Examiner: M. Alvo

For : PROCESS FOR DISPERSING A FIBROUS PAPER STOCK AND DEVICE FOR
 PERFORMING THE PROCESS

THE COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

Sir:

Transmitted herewith is an election with traverse in the above-captioned application.

Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously filed.

A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

A Request for Extension of Time.

No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 28	*28	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 2	**3	0	x 42=	\$	x 84=	\$0.00
Multiple Dependent Claims Presented			+140=	\$	+280=	\$0.00
Extension Fees for Month				\$		\$0.00
			Total:	\$	Total:	\$0.00

*If less than 20, write 20

**If less than 3, write 3

Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

N/A A Check in the amount of \$_____ to cover the filing/extension fee is included.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136) (a)(3)

Neil F. Greenblum
 Reg. No. 28,394

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Almut KRIEBEL)
Appln. No. : 09/832,873) Group Art Unit: 1731
Filed : April 12, 2001) Examiner: M. Alvo
: PROCESS FOR DISPERSING A FIBROUS PAPER STOCK AND
: DEVICE FOR PERFORMING THE PROCESS

ELECTION WITH TRAVERSE

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the Examiner's restriction requirement of December 18, 2001, the time set for response being one month from the mailing date from the U.S. Patent and Trademark Office, i.e., January 18, 2002, Applicant hereby elects the invention of Group I, including claims 1 - 163. The above election is made with traverse for the reasons set herein below:

In the Official Action of December 18, 2001, the Examiner indicated that all claims (1 - 28) were subject to restriction under 35 U.S.C. § 121. The Examiner restricted the claimed invention into Group I, including 1 - 16, drawn to a process for dispersing paper, classified in Class 162, subclass 57; into Group II, including claims 17 - 28, drawn to an apparatus for dispersing paper stock, classified in Class 162, subclass 261.

The Examiner asserted that the inventions were related as process and apparatus for its practice, and that the inventions are distinct from each other under M.P.E.P. § 806.05(e)

because the "process of Group I does not require 'a worm extruder' as required by the apparatus of Group II and can be fed to the distribution device with a high consistency pump."

Applicant respectfully submits that the Examiner has omitted one of the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. That is, as set forth in M.P.E.P. § 803, "an appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if the restriction requirement were not required.

While the Examiner has alleged a possible distinction between the two identified groups of invention, the Examiner has not shown that a concurrent examination of these groups would present a "serious burden" on the Examiner. In fact, while the Examiner has noted that the individual groups would be classified in different classes, there is no appropriate statement that the search areas required to examine the invention of group I would not overlap into the search areas for examining the invention of group II, and vice versa. Applicant respectfully submits that the search for the combination of features recited in the claims of the above-noted groups, if not totally co-extensive, would appear to have a very substantial degree of overlap.

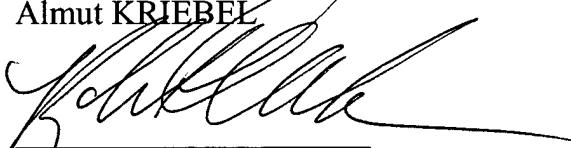
Because the search for each group of invention is substantially the same, Applicant submits that no undue or serious burden would be presented in concurrently examining

Groups I and II. Thus, for the above-noted reasons, and consistent with the office policy set forth above in M.P.E.P. § 803, Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement in this application.

For all of the above reasons, the Examiner's restriction is believed to be improper. Nevertheless, Applicant has elected, with traverse, the invention defined by Group I, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Should the Examiner have any questions or comments, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Almut KRIEBEL


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January 18, 2002
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